

**Aug 02, 2018**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SEAN F. MCAVOY, CLERK

TONY LEE COLBRAY, SR.,  
Petitioner,

v.

ADA COUNTY SHERIFF BARTLETT,  
Respondent.

NO. 4:18-cv-05049-SAB

**ORDER DISMISSING  
PETITION**

By Order filed June 5, 2018, the Court directed Petitioner, a pre-trial detainee at the Ada County Jail in Boise, Idaho, to show cause why his petition should not be dismissed as unexhausted and for failure to comply with the Interstate Agreement on Detainers Act ("IADA"), Wash. Rev. Code § 9.100.010, art. III. ECF No. 9; *see generally United States v. Bayless*, 940 F.2d 300 (8th Cir. 1991) (IADA is inapplicable to pretrial detainees who have not yet been tried and convicted). Petitioner did not comply with this directive and has filed nothing further in this action.

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1 Therefore, for the reasons set forth above and in the Order to Show Cause,  
2 **IT IS ORDERED** this habeas petition under 28 U.S.C. § 2241, is **DISMISSED**  
3 **without prejudice** as unexhausted.

4 **IT IS SO ORDERED.** The Clerk of Court shall enter this Order, enter  
5 judgment, provide copies to Petitioner, and **CLOSE** the file. The Court certifies  
6 that there is no basis upon which to issue a certificate of appealability. 28 U.S.C.  
7 § 2253(c); Fed. R. App. P. 22(b).

8 **DATED** this 2<sup>nd</sup> day of August 2018.



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15 Stanley A. Bastian  
16 United States District Judge  
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